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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,456	12/12/2003	Eric J. Zbinden	42P16233	9690
8791	7590	03/22/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			SONG, SARAH U	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,456

Applicant(s)

ZBINDEN, ERIC J.

Examiner

Sarah Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. This application has been filed with two (2) sheets of drawings, which have been approved by the Examiner.

Claim Objections

2. Claims 6, 8, 13 and 15 are objected to because of the following informalities: applicant claims "said device". However, it is not clear whether the recitation refers to the device of the first package, the device of the second package, or both. For purposes of examination, the term will be interpreted as referring to either of the devices. Appropriate correction is required.
3. Claim 17 is objected to because of the following informalities: Examiner suggests deleting "ones of" from line 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogusu et al. (U.S. Patent 6,040,934).**
6. Regarding claim 1, Ogusu et al. discloses an optoelectronic apparatus, comprising: a first package 16/18 comprising a first window 17, said first package to house a device 3 to perform a first optoelectronic function; and a second package 1 comprising a second window 6, said second package to house a device 2 to perform a second optoelectronic function; said first package

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attached to said second package to allow a light beam to pass between said first window 17 and said second window 6.

7. Regarding claim 2, said first window 17 comprises a transparent material (column 4, lines 34-35) to form a hermetic (i.e. sealed, column 4, lines 31-34) package 3.

8. Regarding claim 3, either of said first window and said second window comprises an opening (on the side opposite glass plate 17 from photodetector 3).

9. Regarding claim 4, said second package comprises a third window (e.g. 5) to couple with a third package.

10. Regarding claim 5, said second package comprises a feedthrough 20 for a fiber.

11. Regarding claim 6, said device comprises a passive device 4.

12. Regarding claim 7, said passive device comprises a splitter (column 4, line 1).

13. Regarding claim 8, said device comprises an active device 2.

14. Regarding claim 9, said active device comprises a laser (column 4, line 17).

15. Regarding claim 10, Ogusu et al. also discloses a method, comprising: providing a plurality of packages 1 and 16/18 each housing a device 2 and 3 for performing an optoelectronic function; providing at least one window 6 and 17 in each of said packages; coupling said plurality of packages together; and transmitting a beam between windows of adjacent packages.

See Figure 1.

16. Regarding claim 11, the method further comprises one of soldering, welding or epoxying said plurality of packages together (column 4, lines 22-24).

17. Regarding claim 12, the method further comprises providing a package 20 comprising a feedthrough for a fiber.

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18. Regarding claim 13, said device comprises a passive device 4.
19. Regarding claim 14, said passive device comprises a splitter (column 4, line 1).
20. Regarding claim 15, said device comprises an active device 2.
21. Regarding claim 16, said active device comprises a laser (column 4, line 17).
22. Regarding claim 17, Ogusu et al. discloses a modular optoelectronic system, comprising: a plurality of hermetically sealed packages 16/18 and 11/13, each comprising at least one window 17 and 14; a device 3 and 2 in each of said plurality of packages to perform a particular function for an optoelectronic product; coupling means 1 for coupling ones of said packages together to pass a collimated beam between adjacent windows 17 and 6 or 12 and 5 to optically connect each said device to form said optoelectronic product.
23. Regarding claim 18, the system further comprises a package 20 including a fiber feedthrough.
24. Regarding claim 19, each said device comprises an active device 2 and 3.
25. Regarding claim 20, said coupling means comprises weld (column 4, lines 21-23 and 31-33).

Conclusion

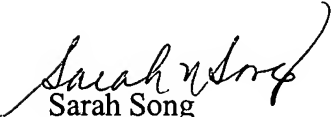
26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krug et al. discloses a module (see Figure) similar to that of Ogusu et al. Nagase et al. also discloses a modular opto-electronic system comprising hermetically sealed packages, devices and windows (Figures 21-26). Go also discloses a modular opto-electronic system but does not qualify as prior art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sarah Song
Patent Examiner
Group Art Unit 2874